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In re Application of
TOO et al
Application No.: 10/544,085
PCT No.: PCT/AU2004/000111
Int. Filing Date: 30 January 2004
Priority Date: 31 January 2003
Attorney Docket No.: MASSEY/1
For: CONDUCTING POLYMERS WITH
PORPHYRIN CROSS-LINKERS

DECISION

This is a decision on the petition to withdraw the holding of abandonment filed on 09 August 2006.

BACKGROUND

On 10 January 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) and a \$130.00 surcharge fee was required.

On 18 July 2006, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) for failing to respond to the Form PCT/DO/EO/905 mailed 10 January 2006.

On 09 August 2006, applicant filed the subject petition to withdraw the holding of abandonment along with an executed declaration.

DISCUSSION

A review of the subject application shows that applicants still had time remaining using extensions of time pursuant to 37 CFR 1.136(a) to respond to the Form PCT/DO/EO/905 mailed 10 January 2006. Thus, the Form PCT/DO/EO/909 was mailed in error.

In the response filed 15 August 2006, applicants submitted a declaration, the surcharge fee and a five-month extension request. This is considered an appropriate and timely response.

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CONCLUSION

In view of the above, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Form PCT/DO/EO/909 sent 18 July 2006 is hereby **VACATED**.

The declaration filed 09 August 2006 is not in compliance with 37 CFR 1.497(a) and (b). The first and sixth named inventors have made noninitialed changes in ink on the declaration. Any changes made in ink should be initialed and dated by the applicants prior to execution of the declaration. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. See MPEP § 605.04(a).

Applicants have **TWO (2) MONTHS** from the mail date of this decision to submit a declaration in compliance with 37 CFR 1.497(a) and (b). Extensions of time under 37 CFR 1.136(a) are authorized.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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